

# State of South Dakota

## SEVENTY-FIFTH SESSION LEGISLATIVE ASSEMBLY, 2000

664D0449

### SENATE BILL NO. 79

Introduced by: Senators Paisley, Lange, and Staggers and Representatives Brown (Jarvis),  
Diedrich (Elmer), and Hunt

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to notice or nonrenewal  
2 of automobile policies.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 58-11-51 be amended to read as follows:

5 58-11-51. No insurer ~~shall~~ may fail to renew a policy unless it ~~shall mail~~ the insurer mails or  
6 ~~deliver~~ delivers to the named insured, at the address shown in the policy, at least sixty days'  
7 advance notice of ~~its~~ the intention not to renew. This section ~~shall~~ does not apply:

8 (1) If the insurer has manifested its willingness to renew; ~~nor~~

9 (2) If the policyholder is transferred to an insurer that is a member of the same insurance  
10 group as the previous insurer and notice of such transfer is given in the form adopted  
11 by rule by the Division of Insurance pursuant to chapter 1-26; nor

12 (3) In case of nonpayment of premium; ~~provided that.~~ However, notwithstanding the  
13 failure of an insurer to comply with this section, the policy shall terminate on the  
14 effective date of any other insurance policy with respect to any automobile designated  
15 in both policies.

16 Renewal of a policy ~~shall~~ does not constitute a waiver or estoppel with respect to grounds

- 1 for cancellation which existed before the effective date of such renewal.